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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,265	03/28/2001	Wolfgang Fraas	P01,0047	6597

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EXAMINER	
BHANDARI, PUNEET	

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/806,265	FRAAS ET AL.	
	Examiner	Art Unit	
	Puneet Bhandari	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03/28/01*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: ____.

Claim Objections

1. Claim 12 objected to because of the following informalities: "Adaptation" is incorrectly spelled as "Adaption". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **8-10 and 13** are rejected under 35 U.S.C. 102(b) as being anticipated by Keshav et al. (U.S. 5,623,605). The Keshav et al. (U.S. 5,623,605) reference teaches all the limitations of the listed claims with the reasoning that follows

Regarding claims **8** and **9**, A method for transmitting data to/from a communication terminals from/to a switching system via a packet-oriented communication network Figure 3 of Keshav et al. anticipates "*method of transmitting data in a packet oriented network*", a comprising the steps of:

Setting up a data format formed of substructural elements is anticipated by "*ATM formatted frames*" disclosed in column 2, line 65 for data transmission between a switching system is anticipated by "*destination device*" disclosed in column 2, line 63, and a communication terminals is anticipated by "*source device*" disclosed in column 2, line 62.

Communication terminals being connected to a packet oriented communication network via a hub said communication terminals further being connected to said

switching system via an access unit, is anticipated by " *The processing system (hub) may operate as a gateway to enable data transfer between the network*" disclosed in column 5, lines 7-8.

- "*Figure 3* of Keshav et al." anticipates transmitting said data in from of substructural elements to said hub via a communication terminal.
- Inserting said substructural elements in to data packets via said hub, is anticipated by " *Encapsulation method*" disclosed in column 3, lines 3-11.
- "*Figure 3* of Keshav et al." anticipates transmitting said data packets to access unit via packet oriented communication network
- Extracting said substructural element from the said packet via said access unit is anticipated by " *Decapsulation Method*" disclosed in column 3, lines 14-18 and;
- Forwarding said substructural elements to said switching system is anticipated by "*The destination device may then route the retrieved ATM formatted frame to proper location/device*" disclosed in column 3, lines 18-21.

Regarding claim **10**, wherein said data packets are structured as Internet Protocol data packets is anticipated by "*The intermediate format data packet is then encapsulated into a data portion of IP packet*" disclosed in column 3, lines 09-11.

Regarding claim **13**, wherein said data transmission and substructural elements in a payload area of Internet Protocol data packet such that a substructural element begins in a segment defined as a first payload segment of Internet Protocol data packet is anticipated by " *The payload of the IP packet contains the intermediate packet header and ATM formatted frame*" disclosed in column 12, lines 45-50.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim **11** rejected under 35 U.S.C. 103(a) as being unpatentable over Keshav et al. (U.S. 5,623,605) in view of Lyons et al. (U.S. 6,282,196). Keshav et al. (U.S. 5,623,605) teaches all the limitations of claim 8 (see 102 rejection for claim 8 above) except Keshav et al. (U.S. 5,623,605) does not expressly disclose the architecture of the substructural element exhibiting a cell header, consisting of a channel identifier and a length indicator. Lyons et al. (U.S. 6,282,196) discloses architecture of the substructural element exhibiting a cell header, consisting of a channel identifier and a length indicator (refer fig. 2). At the invention was made, it would have been obvious to a person in ordinary skill in the art to modify the cell header of substructural element of Keshav et al. (U.S. 5,623,605) by adding channel identifier and a length indicator fields in cell header as disclosed by Lyons et al. (U.S. 6,282,196). One in ordinary skill in art would have been motivated to do this to provide efficient ATM transport of small, delay-sensitive packets in applications such as packet voice systems (see column 01, lines 20-25 of Lyons et al. (U.S. 6,282,196)).

6. Claim **12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Keshav et al. (U.S. 5,623,605) in view of Lyons et al. (U.S. 6,282,196). Keshav et al. (U.S. 5,623,605) teaches all the limitations of claim 8 (see 102 rejection for claim 8 above)

except Keshav et al. (U.S. 5,623,605) does not expressly disclose the architecture of the referred substructural element having a cell header according to Second ATM adaptation layer. Lyons et al. (U.S. 6,282,196) discloses architecture of the substructural element having a cell header, according to Second ATM adaptation layer (consisting of a Channel ID, a Length Indicator, Reserved field, and a Header Error Check) (refer fig. 2 or column 3, lines 45-50). At the invention was made, it would have been obvious to a person in ordinary skill in the art to modify the cell header of substructural element of Keshav et al. (U.S. 5,623,605) by adding Channel ID, a Length Indicator, Reserved field, and a Header Error Check in the cell header according to Second ATM adaptation layer as disclosed by Lyons et al. (U.S. 6,282,196). One in ordinary skill in art would have been motivated to do this to provide efficient ATM transport of small, delay-sensitive packets in applications such as packet voice systems (see column 01, lines 20-25 of Lyons et al. (U.S. 6,282,196)).

7. Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Keshav et al. (U.S. 5,623,605) in view of Westberg et al. (U.S. 5,946,309). Keshav et al. (U.S. 5,623,605) teaches all the limitations of claim 8 (see 102 rejection for claim 13 above) except Keshav et al. (U.S. 5,623,605) does not expressly disclose a pointer in the said first payload segment for designating a start address of the first substructural element segment. Westberg et al. (U.S. 5,946,309) discloses pointers in first payload segment for designating the start address of first substructural element segment (refer fig. 12). At the invention was made, it would have been obvious to a person in ordinary skill in the art to modify the first payload segment of Keshav et al. (U.S. 5,623,605) the by inserting

the pointer into the payload area immediately after the header as disclosed by Westberg et al. (U.S. 5,946,309). One in ordinary skill in art would have been motivated to do this to provide efficient microcell (substructural) alignment at the receiving station (see column 06, lines 55-65 of Westberg et al. (U.S. 5,946,309)).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Puneet Bhandari whose telephone number is 571-272-2057. The examiner can normally be reached on 9.00 AM To 5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PB

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